GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Agriculture & Cooperation (H & S) Department – Regularization of services of Sri B.T. Ananad and (16) other former Full Time Contingent Employees, Sericulture Department, Ananthapuram District with effect from 25.11.1993 for the purpose of fixation of Pension and Pensionary benefits as per the orders of Hon'ble High Court of Andhra Pradesh in W.A.No.486 of 2021, dated 05.08.2021 and C.C No.1203 of 2020 in W.P No.4289 of 2020 and Pension payable from the date of filing of WP i.e. 19.02.2020, subject to further orders in the SLPs pending before the Hon'ble Supreme Court of India – Orders – Issued.

AGRICULTURE & COOPERATION (H&S) DEPARTMENT

G.O.Ms.No.61.

Dated:08.10.2021.
Read the Following:-

1. G.O.Ms.No.212, Finance & Planning (FW.PC.III) Dept., dated 22-04-1994.
2. G.O.Ms.No.11, Finance (HR.III) Department, dated 20.01.2017.
3. Orders dated 28.02.2020 of the Hon'ble High Court of Andhra Pradesh in W.P. No.4289/2020 filed by Sri B.T.Anand and (16) other former Full Time Contingent Employees, Ananthapuram District.
4. From the Commissioner of Sericulture, AP, Guntur, Letter Rc. No.196/2020-B3A (FTCE), dated 23.06.2020 addressed to Sri B.T.Anand & (16) other former Full Time Contingent Employees.
5. Orders dated 05.08.2021 of the Hon'ble Division Bench, High Court of Andhra Pradesh in W.A.No.486 of 2021.
6. Orders dated 18.08.2021 of the Learned Single Judge, Hon'ble High Court, A.P. in CC.No.1203 of 2020 and 1231 of 2020
7. From the Commissioner of Sericulture, A.P., Guntur, Letter Rc.197/2020-B3-A, dated 1.8.2021 and 27.08.2021.
8. From the Commissioner Sericulture, A.P., Guntur vide proceeding Rc.No.196/2020-B3A(RFTCE), dated:21.09.2021.
9. From the Government Pleader for Services –I, High Court of A.P, letter dated :07.10.2021

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ORDER:

Sri B.T.Anand and (16) other former Full Time Contingent Employees in Department of Sericulture, Anantapuram District, who were discontinued from the service on completion of 60 years of age have filed W.P. No.4289 of 2020, seeking direction for regularization of their services w.e.f. 25-11-1993 as stipulated in G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated 22-04-1994, with all consequential benefits and further sought for parity on par with their counterparts whose services were regularized vide G.O.Ms.No.11, Finance (HR.III) Department, dated 20-01-2017. The Hon'ble High Court allowed the WP and the same was disposed at admission stage on 28-02-2020. The Operative portion of the order reads as follows:-

> "In this case also, the petitioners are retired employees and in view of the said judgment, there shall be a direction to the respondents to consider the case of the petitioners as having been regularized with effect from 25.11.1993 and calculate the pension and pensionary benefits on the said basis....."

2. The Government have filed Counters in the C.C. No.1203 of 2020 and also filed Writ Appeal against the order dated 28.02.2020 passed by the learned Single Judge in W.P.No.4289 of 2020. The Hon'ble Division Bench, High Court in W.A.No.486 of 2021 dt:05.08.2021 has ordered as follows:-

> "....We are of the considered opinion that ends of justice will be sub-served in the present case by moulding the relief by providing that though the writ petitioners would be deemed to have been regularized from the cut-off date i.e., 25.11.1993 for the purpose of fixation of pension and pensionary benefits, pension will be made available to them only from the date of filing of the writ petition i.e., from 19.02.2020.

(P.T.O)

Resultantly, the Writ Appeal stands disposed of modifying the order of the learned single Judge to the extent indicated above. The directions contained in this order shall be implemented within a period of two months from the date of receipt of a copy of this order. No costs. Pending miscellaneous petitions, if any, shall stand closed."

3. The Hon'ble High Court in its orders dated 18.08.2021 in C.C. No.1203 and 1231 of 2020 in W.P. Nos. 4289 and 4290 of 2020 has ordered as follows:-

" Upon perusal of the averment made in the counter affidavit filed by the respondents, in the prima facie opinion of this court, the respondents committed wilful disobedience in implementing the order dated 28.02.2020 passed by this Court in W.P No.4289 of 2020.

4. In the light of the observations made by the Hon'ble Court during the hearing in C.C.Nos.1203 and 1231 of 2020 and instructions of the Government, the Commissioner of Sericulture in the reference 8th read above has withdrawn the speaking orders issued vide Lr.Rc.No.197/2020-B3A (RFTCE), dated:23.06.2020, subject to outcome of the orders/ Judgment of Supreme Court of India in Special Leave Petition filed by Government.

5. Further, in the reference 7th read above, the Commissioner of Sericulture has furnished the proposal to the Government to implement the orders of Hon'ble Division Bench, High Court of A.P., dt.05-08-2021 in W.A. Nos.483 and 486 and in pursuance of C.C. No.1203 & 1231 of 2020 in W.P. Nos.4289 & 4290 of 2020.

6. The Government have filed SLP before the Hon'ble Supreme Court of India against the Hon'ble Division Bench orders dt.05.08.2021 in W.A. No.486/2021. The SLP is numbered as Dairy No.23656/2021.

7. The Hon'ble High Court in its orders dated 24.9.2021 ordered to delete the C.C Nos.1203 and 1231 of 2020 from the caption for pronouncement of orders and posted the C.C. Nos.1203 and 1231 of 2020 for hearing on 07.10.2021. The Hon'ble High Court on 07.10.2021 has ordered to post the case on 08.10.2021 for compliance.

8. After careful examination of the entire issue and as per advice given by the Government Pleader for Services-I, High Court of A.P. vide reference 9th read above and in order to avoid further legal complications, Government have decided to implement the orders of Hon'ble Division Bench dated 05.08.2021 in W.A.No.486 of 2021 of the Hon'ble High Court of Andhra Pradesh and in pursuance to orders in C.C.No.1203 of 2020 in W.P. No.4289 of 2020 and hereby order to regularize the services of Sri B.T. Anand and (16) other former Full Time Contingent Employees, Sericulture Department, Anantapuram District w.e.f 25.11.1993 for the purpose of fixation of pension and pensionary benefits and pension will be made available to them from the date of filing of the writ petition i.e., from 19.02.2020, subject to further orders in the SLPs filed by the Government and other SLPs pending before the Hon'ble Supreme Court of India in the similar matter.

9. This order/ relief being extended only to the incumbent petitioners mentioned in the above W.P. and not being treated as a precedent to be extended to any person/ persons claiming to be similarly situated, subject to outcome of Review Petitions pending before the Hon'ble Supreme Court of India, if any.

10. The Commissioner of Sericulture, Andhra Pradesh, Guntur shall take necessary action in the matter, accordingly.

11. This order issues with the concurrence of Finance Department vide their U.O. No.1532175/HR.I/FIN01-HR0PDPP/169/2021, dated 8.10.2021.

(BY ORDER IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

POONAM MALAKONDAIAH
CHIEF COMMISSIONER RBKS &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Sericulture, A.P. Guntur.
The individuals concerned through the Commissioner of Sericulture,
A.P. Guntur.

Contd.P.3..

Copy to:
The Government Pleader for Services-I and II,
A.P.High Court Buildings, Nelapadu.
P.S to Hon'ble Minister (Agriculture & Cooperation)
P.S to Chief Commissioner RBKS &
Special Chief Secretary to Government,
Agriculture & Cooperation Department,
The Finance (HR.I) Department. AP Secretariat, Velagapudi.
SC/SF.

//FORWARDED BY ORDER//

SECTION OFFICER